

United States District Court

WESTERN DISTRICT OF WASHINGTON

GREGORY O'NEAL

JUDGMENT IN A CIVIL CASE

v.

WARDEN McDONALD

CASE NUMBER: C08-5454FDB

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation, *except* that as to the sufficiency of the evidence claim, it is denied for failure to exhaust; and

The petition for writ of habeas corpus is DENIED.

June 11, 2009
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk